

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

SCOTT C. JOHNSON,

Plaintiff,

v.

CAROLYN W. COLVIN, Acting
Commissioner of the Social Security
Administration.

Defendant.

CASE NO. 13-cv-05651 RBL

**REPORT AND RECOMMENDATION
ON STIPULATED MOTION FOR
REMAND**

This matter has been referred to Magistrate Judge J. Richard Creaturea pursuant to 28

U.S.C. § 636(b)(1)(B) and Local Magistrates Rule MJR 4(a)(4), and as authorized by *Mathews*, *Secretary of H.E.W. v. Weber*, 423 U.S. 261 (1976). This matter is before the Court on defendant's stipulated motion to remand the matter to the administration for further consideration. (ECF No. 21.)

After reviewing defendant's stipulated motion and the relevant record, the undersigned recommends that the Court grant defendant's motion, and reverse and remand this matter pursuant to sentence four of 42 U.S.C. § 405(g) to the Acting Commissioner.

1 On remand, the administrative law judge (“ALJ”) will hold a new hearing and issue a
2 new decision. The ALJ will:

- 3 • evaluate further claimant’s mental impairments in accordance with the special
4 technique set forth in 20 CFR §§ 404.1520a and 416.920a, documenting application
5 of the technique by providing specific findings and appropriate rationale for each of
6 the functional areas described in 20 CFR §§ 404.1520a(c) and 416.920a(c);
7 • develop further the record by updating the medical evidence;
8 • evaluate all medical source opinions;
9 • complete the remaining steps of the sequential evaluation process as appropriate (20
10 CFR §§ 404.1520 and 416.920).

11 The ALJ will take any other actions necessary to develop the record. Plaintiff may
12 submit additional evidence and arguments to the ALJ on remand.

13 The parties stipulate that plaintiff is entitled to reasonable attorney’s fees, expenses, and
14 costs pursuant to 28 U.S.C. § 2412(d), following proper request to this Court.

15 Given the facts and the parties’ stipulation, the Court recommends that the District Judge
16 immediately approve this Report and Recommendation and order that the case be **REVERSED**
17 and **REMANDED** pursuant to sentence four of 42 U.S.C. § 405(g).

18 Dated this 7th day of February, 2014.

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21 J. Richard Creatura
United States Magistrate Judge
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